

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

RANDELL L. BROWN, Register No. 179887,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 05-4414-CV-C-NKL
	)	
KELLY DILLS, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On December 19, 2007, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of December 19, 2007, is adopted. [125] It is further

ORDERED that defendants' motions for summary judgment are granted, and plaintiff's claims against all defendants, including those against defendants White and Lee<sup>1</sup>, are dismissed.  
[117, 119]

/s/ \_\_\_\_\_

NANETTE K. LAUGHREY  
United States District Judge

Dated: January 18, 2008  
Jefferson City, Missouri

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<sup>1</sup>Plaintiff's claims against the members of the Missouri Board of Probation and Parole were recommended dismissed on October 24, 2006. Donna White, a named defendant and former member of the Missouri Board of Probation and Parole was not served with process until October 31, 2006. Accordingly, the order adopting the report and recommendation should have included dismissal of plaintiff's claims against defendant White.

Plaintiff's claims against defendant Lee, although not served with process, are also dismissed with this order.